

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED

KEITH CHARLES KNAPP, as Trustee of
the California Home Loans Profit Sharing
Plan; TRUST FOR THE
CALIFORNIA HOME LOANS
PROFIT SHARING PLAN, as a fiduciary
of the California Home Loans Profit Sharing
Plan; THERESE A. LAVOIE, as a
participant in the California Home Loans
Profit Sharing Plan,

Plaintiffs,

v.

NOREEN CARDINALE, an individual,
Defendant.

CASE NO. C 12-05076 RMW
STIPULATION AND []
ORDER TO CONTINUE PRETRIAL
CONFERENCE AND TRIAL

Hon. Ronald M. Whyte

NOREEN CARDINALE,

Plaintiff,

v.

DANIEL R. MILLER JR.; PATRICE
MILLER, his spouse; DANIEL R. MILLER
SR.; PASHLIN INC., a California
corporation; DERALD R. KENOYER;
KEITH CHARLES KNAPP; HOME LOAN
SERVICES CORPORATION dba
CALIFORNIA
HOME LOANS, a California Corporation;
and DOES 1 through 100, inclusive

Defendants.

RELATED CASE NO. C 12-05078 RMW
(Remanded Pursuant to Order Dated
February 15, 2013)

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiffs Keith Charles Knapp, as Trustee of the California Home Loans Profit Sharing Plan, the Trust for the California Home Loans Profit Sharing Plan, as a fiduciary of the California Home Loans Profit Sharing Plan, Therese A. Lavoie, as a participant in the California Home Loans Profit Sharing Plan, and Defendant Noreen Cardinale hereby stipulate and request that the pretrial conference currently set for February 27, 2014, and the trial currently set for March 17, 2014, in the instant action be continued until March 27, 2014, and April 21, 2014, respectively, or to such dates as the Court may determine appropriate following the Case Management Conference set for February 21, 2014.

This action involves claims brought pursuant to the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), which is comprehensive federal regulation governing private employee benefit plans. (*See* Declaration of Joseph A. Garofolo ¶ 3 filed concurrently herewith). On January 24, 2014, the Superior Court of the State of California in and for the County of Contra Costa issued a ruling that provides that “even if a current valid ERISA plan exists now, it did not exist at the time of the levy at issue herein was served on First Republic Bank on 12/14/11.” (*See id.* at ¶ 4). The parties disagree as to the effect, or lack thereof, of the January 24, 2014 ruling of the state court. (*See id.*). However, the parties wish to obtain guidance from the Court prior to exchanging pretrial disclosures and making the additional filings set forth in the Court’s Standing Order. (*See id.* at ¶ 5). In addition, the parties understand that the Court has scheduled a case management conference for February 21, 2014, with a revised joint case management statement due by February 14, 2014, to discuss the ruling of the state court. (*See id.*).

This is the first request for a continuance of the pretrial conference or trial. (*See id.* at ¶ 6).

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1 IT IS SO STIPULATED AND AGREED.

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3 February 7, 2014

/s/ Michael L. Boli
Michael L. Boli
Attorney for Defendant/Judgment Creditor Noreen
Cardinale

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6 February 7, 2014

/s/ Joseph A. Garofolo
Joseph A. Garofolo
Attorney for Plaintiffs Keith Charles Knapp, as Trustee of
the California Home Loans Profit Sharing Plan, the Trust
for the California Home Loans Profit Sharing Plan, as a
fiduciary of the California Home Loans Profit Sharing Plan,
and Therese A. Lavoie, as a participant in the California
Home Loans Profit Sharing Plan

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13 **ORDER**

14 Pursuant to the Stipulation, and good cause appearing, the Court orders the following:

15 i) the pretrial conference currently set for February 27, 2014, is rescheduled for March 27, 2014, at
16 2:00 P.M.; and ii) trial currently set for March 17, 2014, is rescheduled for April 21, 2014, at 1:30
17 P.M.

18 IT IS SO ORDERED.

19 Dated: February ^{FHE}__, 2014


UNITED STATES DISTRICT JUDGE